

### **Current Status of the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (previously presented) A construction material comprising:
  - a plurality of flexible strips, said strips helically wound upon one another to form a cylindrical pole;
  - securing means for securing said strips to one another;
  - at least one transverse hole disposed through said construction material;and,
  - at least one hollow tube disposed through at least one of said at least one transverse holes;
  - wherein said at least one hollow tube comprises flared ends bent about said plurality of flexible strips and functions to bind said plurality of flexible strips.
2. (original) The construction material of Claim 1 further comprising encasing means for encasing said pole.
3. (original) The construction material of Claim 1 wherein said flexible strips are rubber.
4. (original) The construction material of Claim 3 wherein said flexible strips correspond to sidewalls and treads of a tire and are cut therefrom.
5. (original) The construction material of Claim 1 wherein said securing means comprises polymer resin.
6. (original) The construction material of Claim 1 wherein said securing means is a fastener.

7. (original) The construction material of Claim 6 wherein said fastener is selected from the group consisting of nails, screws and staples.
8. (original) The construction material of Claim 1 further comprising a central longitudinally disposed mandrel upon which said flexible layers are helically wound.
9. (original) The construction material of Claim 8 wherein said mandrel is hollow.
10. (original) The construction material of Claim 8 wherein said mandrel is operatively arranged for removal.
11. (cancelled)
12. (previously presented) The construction material of Claim 1 wherein said at least one hollow tube is disposed through a diameter of said cylindrical pole.
13. (original) The construction material of Claim 1 comprising a utility pole.
14. (original) The construction material of Claim 1 adapted to form a guardrail.
15. (previously presented) A method of producing a pole comprising:
  - cutting the sidewalls and treads from a tire to form separate flat strips;
  - helically winding said strips upon one another and securing said strips to one another to form a cylindrical pole of desired diameter;
  - creating at least one transverse hole through said cylindrical pole;
  - encasing said cylindrical pole; and,

passing at least one hollow tube through at least one of said at least one transverse holes, wherein said at least one hollow tube includes flared ends bent about the wound strips and binding said helically wound strips.

16. (previously presented) A construction material comprising:

a plurality of flexible strips formed from the tread and side wall portions of a tire, said flexible strips wound about a mandrel and upon one another to form said construction material; and,

means for securing said flexible strips to one another, said construction material having at least one planar side disposed along its length;

at least one transverse hole disposed therethrough; and,

at least one hollow tube disposed through at least one of said at least one transverse hole,

wherein said at least one hollow tube comprises flared ends bent about said plurality of flexible strips and functions to bind said plurality of flexible strips.

17. (cancelled)

18. (previously presented) The construction material of Claim 1 wherein a nut and bolt assembly is passed through at least one of said at least one hollow tubes.

19. (previously presented) The construction material of Claim 16 wherein a nut and bolt assembly is passed through at least one of said at least one hollow tube.

20. (cancelled)